



January 9, 2007

Floor Prep

H.Res. 35 - To enhance intelligence oversight authority.

Floor Situation:

H.Res. 35 was made in order through passage of Title V of the Democrats' rules package (H.Res 6), which passed in the House of Representatives on January 5, 2006 by a vote of 232 to 200.

Title V (Section 506) of H.Res. 6 made H.Res. 35 in order under a closed rule with one hour of debate equally divided and one motion to recommit without instructions. This resolution has not been considered during the 110th Congress by any committee.

**Note: H.Res. 6 did not specifically refer to H.Res. 35 by bill number (as it did for the other legislation being considered under a closed rule this week), but provided a description that Democrats are now referring to as H.Res. 35.*

Background:

The National Commission on Terrorist Attacks on the United States, "The 9/11 Commission" was established by Congress, (Title VI of PL 107-306) on November 27, 2002.

On July 22, 2004, the Commission released its public report, which consisted of 41 recommendations. Up to this point, 39 of the 41 recommendations have been enacted in whole or in part (or are in the process of being enacted).

Two of the recommendations included in the report directly addressed the Congressional oversight committees and the need for consolidation of committee jurisdiction:

Recommendation # 36: Congressional oversight for intelligence and counterterrorism is now dysfunctional. Congress should address this problem. We have considered various alternatives: A joint committee

on the old model of the Joint Committee on Atomic Energy is one. A single committee in each house of Congress, combining authorizing and appropriating authorities, is another.

Recommendation #37: Congress should create a single, principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over this department and its duties. But we believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff.

Prior to the release of the Commission report, the Republican Congress had created the Committee on Homeland Security. The Senate has transferred the role of primary jurisdiction over homeland security matters to the Government Affairs Committee (now the Homeland Security and Government Affairs Committee).

Summary:

H.Res 35 was introduced on January 5, 2007 by Representative David Obey. This resolution would amend House Rule X, which addresses the organization of committees, by establishing the Select Intelligence Oversight Panel of the Committee on Appropriations. This panel would consist of no more than 13 Members, with a maximum of eight Members from one party.

**Note: Oversight of intelligence is charged to the House Permanent Select Committee on Intelligence through the Church Commission of 1976. H.Res. 35 creates a 3rd entity in the House charged with the oversight of intelligence; the 9/11 Commission wanted 1 oversight panel.*

The Members of this panel would be appointed by the Speaker and would include:

- Chairman and Ranking Member of the Appropriations Committee
- Chairman and Ranking Member of the Appropriations Subcommittee on Defense
- Six additional Members from the Appropriations Committee
- Three Members from the Permanent Select Committee on Intelligence

The Speaker will appoint a Chairman and Ranking Member of the panel. Panel Members will be regarded as members of the Appropriations Committee.

The Select Intelligence Oversight Panel of the Committee on Appropriations would have the regular authorities of a subcommittee under House Rules, except for the authority to subpoena witnesses for testimony or documents. However, the Appropriations Subcommittee on Defense can issue subpoenas for the Select Intelligence Oversight Panel. [Subpoena power is provided to committees and subcommittees under House Rule XI, clause 2(m)(1).]

- The “panel” will not be a legislative body and can only make recommendations to the Appropriations Committee.
- The panel will not include Members from House Armed Services Committee.

**Note: Military intelligence spending constitutes almost 80 % of the intelligence budget.*

H.Res. 35 outlines the responsibilities of the Select Intelligence Oversight Panel, which includes:

- Reviewing budget requests for “execution of intelligence activities” and providing recommendations to the appropriate Appropriations Subcommittees.
- Prepare an annual report to the Appropriations Subcommittee on Defense, which would include “budgetary and oversight observations and recommendations for use by such subcommittee in preparation of the classified annex to the bill making appropriations for the Department of Defense”.

**Note: The panel aims to achieve “consolidated oversight” by appointing Members of the Appropriations Committee (along with a handful members from the Intelligence Committee) to oversee and report their findings and recommendations back to the Appropriations Committee.*

Additional Information:

For information on H.Res. 6 - the Democrat’s House Rules package which made H.Res. 35 in order please see Legislative Digest – Floor Prep: H.Res. 6 posted on www.gop.gov

For information on H.R.1 - Implementing the 9/11 Commission Recommendations Act of 2007, please see Legislative Digest – Floor Prep: H.R.1 posted on www.gop.gov

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